

## **BOARD OF MAYOR AND ALDERMEN**

**December 2, 2003**

**7:30 PM**

Mayor Baines called the meeting to order.

The Clerk called the roll.

Present: Aldermen Gatsas, Guinta, Sysyn, Osborne, Pinard, O'Neil, Lopez,  
Shea, DeVries, Garrity, Smith, Thibault, Forest

Absent: Alderman Wihby

Alderman Lopez stated I have been working with Alderman Pinard and Alderman-Elect Porter in reference to Mission Avenue. I do have a complete packet and history and I would ask this Board to make a motion that we send this to the CIP Committee immediately.

On motion of Alderman Lopez, duly seconded by Alderman Pinard, it was voted to refer the Mission Avenue item to the Committee on Community Improvement.

Alderman Lopez stated since the residents are here I want them to know that I have had some conversation with the City Solicitor and Frank Thomas and I would like Frank Thomas to come up. I know he did send a truck out there today. Maybe he can update us on Mission Avenue. I know he has talked to the City Solicitor.

Mr. Thomas stated first of all we will be maintaining it for the winter. We did send a salter out today. I will be sending a grader out to grade by the end of the week. The problem that we have is the street is unaccepted and we are in a gray area as far as sending City funds on an unaccepted, private street. In addition, when we go out and grade sometimes we remove burms that are built up and then have to go out and replace them so it is a very difficult situation. I 100% support the City getting this street paved. It has been in limbo for a long time. The reason being that the street has never been dedicated to the City and the abutters up there have not been able to get together to put together the necessary dedication process. One solution that is going to be brought forward through the budget process is to go in there and have the Board of Mayor and Aldermen determine that there is a need to lay out the street, fund the construction, fund the legal costs, fund the title search costs and potentially damages. This would be looked at as building a road across an open pasture. We would have to go in and inquire the right-of-ways and then do the construction. That will be a proposal that will be brought forth in the CIP. If the Highway Department does the construction work in working with the City Solicitor's Office to do the legal work it is going to be a fairly reasonable project. The very preliminary estimates for materials and legal costs are approximately \$60,000.

Mayor Baines stated I have a couple of announcements to make this evening. I would like to invite the Aldermen to attend the bond signing ceremony taking place in this room tomorrow at 3 PM. At that time NH Baseball is also planning to announce the name of the baseball team. It has been a topic of discussion in this room over the past year and I hope as many as possible can attend. The public is also invited and I know that Chuck Stevens from the Boston Red Sox will be here as well. Since we met last, the Manchester High School Central's women's soccer team and Central's football team won State championships and we will provide official proclamations and individual certificates at next week's School Board meeting but I want to take a moment to congratulate these teams and their coaches and their school this evening. Also last week we did sign the purchase and sales agreement for the Canal Street garage. That garage is now no longer owned by the City of Manchester. I also want to announce that the Inauguration will take place on January 6 at 10 AM at the Palace Theatre. There will be an ecumenical prayer service at 8 AM at St. Joseph's Cathedral and we invite all members of the Board of Mayor and Aldermen and School Board and public to attend that as well. Again, it should be a very exciting day. On January 10 at the Center of New Hampshire will be the Inaugural Ball and more information will follow.

Presentation by Chief Kane and District Chief Campasano updating the Board on the distribution of Homeland Security grants.

Fire Chief Joseph Kane stated thank you Mayor. We have been talking with the Mayor over the last several months about moving this Homeland Security along. Last summer we went through the process of applying for and receiving grant money and tonight what we are trying to do is update the Board of Aldermen on the process of where we are with Homeland Security and Homeland Security funding. We have given you a handout. The initial handout shows that there are three areas of Homeland Security – Homeland I as we know it, Homeland II and Homeland III. Homeland I was the initial money that the City received last summer. It was for \$249,000. Homeland II was the second allocation of money from the Federal government of \$257,000. The Homeland II supplement was an additional \$119,000 that was received. We have taken the grants. The process we used was we solicited from all of the City departments different projects or programs that would impact Homeland Security in the City of Manchester focusing on infrastructure within the City and first responders. As you can see, we applied specifically for programs under Homeland I. The first program that we applied for was Cohas Fire Station security system. Under Homeland II for the Fire Department we asked for purifiers for firefighting aspirators. Those are for our facemasks that we could put these purifiers on and work long-term as opposed to just the cylinders. The next phase is the Police Department fit tester. The Police Department from Homeland received facemasks but they have to be fit tested to each police officer and under Homeland II supplemental we have Central Fire Station security system, Derryfield Park radio transmitter security system and Police Department security system. As you can see we are

trying to focus on security for infrastructure. If you go to the next few pages it kind of gives you a brief description of what these initial grants will be used for and their cost. If you go to the last page, these are the proposals that came in from different City departments and areas that we can apply to Homeland Security for funding. We picked out several of the ones that we felt were the easiest to get through to start up the process of getting the money to flow into the City for Homeland Security. We also have included with you the State of New Hampshire grant reimbursement application. This application is pretty much boiler plate for all of the programs. There is one page that specifically talks about the program and the funding for each individual one. The process that we need to go through is we take this application and send it to the State. The State needs to approve it and then the State needs to send it to Washington. Washington needs to approve it. They send it back to the State and then we are notified. So it is a lengthy process that we have been going through. Actually a tremendous amount of work has been done to get this program to where it is right now. I have Captain Nick Campasano with me who has basically been heading up this project for the City of Manchester for the Fire Department. He has been working with a team of people from the Health Department and people from the Police Department putting this thing together. What we are here for tonight is just an effort to reach out to the Aldermen and the Mayor and the citizens of the City so that they understand that we are moving in a positive direction in Homeland Security for the City of Manchester and we will probably be continuing in this process over the next couple of years. There is a lot of detail behind the few pages that I have handed out. If anyone really wants to get into the nuts and bolts of it I would probably like to sit down with them and take some time and go over the program. If anyone currently has any questions, I would be happy to answer them.

Alderman O'Neil asked are you indicating here that there is \$486,000 available committed to the City that we can put to use.

Chief Kane answered that is correct.

Alderman O'Neil asked when will you be making recommendations on where that money should go. That is towards the last page that is \$1.9 million?

Chief Kane answered that is correct.

Alderman O'Neil asked is there a priority list for that last page at all.

Chief Kane answered not really. One of the things that we are prioritizing on is infrastructure security. Security in the buildings and the infrastructure for the City. That is our basic focus right now.

Alderman O'Neil asked so that is the fourth item down at about \$490,000.

Chief Kane answered that is part of it, yes.

Alderman O'Neil asked that would eat up whatever funds are available currently.

Chief Kane answered it probably will not because as I said behind each one of those numbers there is a lot of detail in a lot of the different paperwork. Some of those projects would not be funded by the Federal government.

Alderman DeVries asked so clarify that for me. The final page that you gave us is somewhat of a wish list of projects that you would like to see forthcoming that are still in the process for potential funding through Homeland Security.

Chief Kane responded that is correct.

Alderman DeVries asked the infrastructure security upgrades that you note here, will that finalize all of the recommendations that have been put forth from Red Robidas. I know that there were substantial security upgrades that needed to be completed.

Chief Kane answered no it will not. What we are accomplishing here is we tried to pick out some of the more obvious ones that we would feel would make it through the process of the State and the Federal government. We did fly a trial balloon to see what they would accept and what they wouldn't accept. These projects, the initial projects seem to be the easiest ones to get through the process. We just want to get the process flowing and then we will try to tackle some of the other ones as we move down.

Alderman DeVries asked have you found that having both the Fire Department, the Police Station and the Federal building all in that general vicinity actually aids the ability to receive Homeland Security funds for security.

Chief Kane answered it is really much broader than that. If you look at the package that we have to submit to them they are looking at public utilities. They are looking at water supplies. If you look at one of the proposals it is security for the sewer plant so it is a pretty broad area that we are looking at. They are more interested in some of the soft targets like the utilities and water.

Alderman Lopez stated unless I missed it...Chief who is on this committee that decides exactly what we want. I know that Red Robidas said we need this and that but who decides. Is there a group of department heads with the Mayor or what? Who makes this decision?

Chief Kane responded there is a group of individuals from Fire, Police and the Health Department. They submit their stuff to me and I sit down with the Mayor and make the recommendations to the Mayor.

Alderman Lopez asked how does one know if the security officer of the City decides that we need something in security, in Homeland Security, how do we know that that is going to be addressed.

Chief Kane answered what we have done with those security issues is given them top billing as we speak. All of those issues that Red has brought forward are on the front page.

Alderman Lopez stated I just want to clarify in my own mind that this is a wish list but not in priority or some of these things cannot be done. Is that correct?

Chief Kane replied that is correct. That is our wish list that we started out with and it is not by priority.

Alderman Lopez asked do you anticipate putting it by priority and presenting that at a later date.

Chief Kane answered I can do that. We are getting the program started but I can certainly do that.

Alderman Lopez stated I don't want to hinder the program. I am just saying so that we know what is going forward. When we look at this we don't want to assume that all of this is going forward.

Chief Kane responded it is not. Well, there is only roughly \$500,000 and there is \$2 million worth of requests there. We do work closely with Red in regards to the security issues.

Alderman Shea stated you made reference, Joe, to the fact that the State is involved and the Federal government. Does the State play a role in the amount of money that you receive in terms of security provisions?

Chief Kane answered yes. What occurs is the money is distributed to the City and from that point in time the State distributes money down to the City. This is what we have been allocated by the State for that money.

Alderman Shea asked so at the State level they decide how much Manchester will get, how much Nashua will get, how much Concord will get and so forth.

Chief Kane answered that is correct and the way they have done it in the last two rounds is by the population of the cities.

Alderman Shea asked do these particular Homeland Security monies increase as we go into this program or does it seemingly decrease or stay the same. Do you have any indication as to how that may work for future planning?

Chief Kane answered I really don't. They do have a plan for 2004 and they have allocated some money but they haven't developed a formula at this point in time for how that money is going to be distributed down to the cities.

Alderman Shea asked so you would not know then how much you would receive each year.

Chief Kane answered no I would not.

Alderman Gatsas asked, your Honor, is there anybody in the City that knows exactly how much Homeland Security funds we have received, not only in the Fire Department but at the Police Department and Health.

Chief Kane responded I can tell you that this is all of the Homeland Security money that the City has received with the exception of the Health Department. They are receiving money from the CDC.

Mayor Baines stated we receive about \$1 million outside of the Homeland Security allocation.

Alderman Gatsas asked when you say outside the Homeland Security...

Mayor Baines interjected it is not part of the Homeland Security dollars that have been authorized by Congress. It is specifically Homeland Security.

Alderman Gatsas asked and where do those dollars come from.

Mayor Baines answered from the Center for Disease Control.

Alderman Gatsas asked which Homeland Security funds were sent to the State and they distribute them out through that venue.

Mayor Baines responded my understanding is there is an allocation that is specifically designated through Homeland Security and that is outside of that allocation. We just had a meeting about this this morning.

Chief Kane stated there is Homeland Security money and that specifically goes to the Department of Safety in Concord. Then there is the CDC money, which specifically goes to the Department of Health and Welfare in Concord. Those are separate funds. The money

that is coming for the Health Department is not necessarily called Homeland Security money. The money that is coming from the Department of Safety is specifically Homeland Security money. That is the title of it.

Mayor Baines stated but certainly you can draw a connection with what is going on with health departments throughout the country and what is going on...

Chief Kane interjected absolutely. There are numerous grants that are available.

Alderman O'Neil stated I just want to make sure that I understand this. We have somewhere in a bank account right now \$486,000 or do we have to write grants for that money? Are we approved for \$486,000?

Chief Kane replied we are approved for \$486,000.

Alderman O'Neil asked could you walk me through that because I am not sure I understand that process.

Chief Kane answered sure. We are approved for that money okay and what we have to do is write a specific grant based upon a specific thing for an allocation of that.

Alderman O'Neil asked for a specific project like we would like to do X at a certain location or Y at another location.

Chief Kane answered correct and that is what this grant application is that we distributed.

Alderman O'Neil asked that is the next step.

Chief Kane answered right and what occurs at that point in time is that application gets sent to the Department of Safety where if it is approved there gets sent to Washington. It needs to get approved in Washington and then get sent back to the Department of Safety and then the Department of Safety says it is approved and we can now expend our funds on it, which the State will reimburse. The money is sitting, as I understand it, up in Concord.

Alderman O'Neil stated now I can see why the Mayors have been battling. This sounds pretty bureaucratic. The money is there but you have to jump through all kinds of hoops to get it.

Mayor Baines replied I was going to make that exact point. This is an exact situation where the Mayors as a unit across the country have advocated for direct funding to cities and towns because we know what our needs are and we can address them in a much more expeditious

manner without going through this massive red tape and bureaucracy that has been set up. It is really a shame that it is happening that way but that decision is outside of our realm.

Alderman O'Neil asked okay so you will continue to plug away at that money. Are there opportunities going forward and you may have said this earlier but are we maxed out at the \$486,000 that is available and we won't have the opportunity to get any more money than that.

Chief Kane answered we always push a little bit harder. If you look at it there was Homeland I, Homeland II, Homeland III and the supplemental was a little extra push that we did so we were able to get an extra \$120,000. We hopefully are going to be able to get through this money and if there is some money left over in the State we will be applying for that also.

Alderman O'Neil asked do you know off the top of your head if you started tomorrow trying to go...if you submitted a grant tomorrow to get some of that money that is available what would be the timeframe before you would have the check in your hand.

Chief Kane responded before I heard okay and got the official document I believe it would be four to five weeks. Before I get the official check in the hand I would have to have a project completion back to them before they would send a check.

Alderman O'Neil asked so we have to front the money and then we are reimbursed.

Chief Kane answered that is correct. The reimbursement is usually 45 days.

Alderman O'Neil stated boy your Honor I wish we could go on record and ask our delegation to take a look at that. It sounds very bureaucratic.

Chief Kane replied I think we have.

Mayor Baines stated we have and I have been in their offices in Washington with other Mayors lobbying this but anyway it is a shame that it is being done this way.

Alderman DeVries asked can you tell me the status in Washington for manpower funding to be included with any of the Homeland Security. Has that been totally derailed or is that still sitting in committee?

Chief Kane answered the Homeland funding money is not for personnel at all.

Alderman DeVries asked wasn't there a proposal.



Chief Kane answered there is a proposal that has as a matter of fact just passed Congress and is on its way to the President's desk. It is called the Safer Act. It is not Homeland. That is for 2005. That passed but they haven't funded it yet so that is a little bit different program. I also want to wrap up tonight by saying that there is another program out there that we have applied for money for that is specifically for the Fire Department and it is called the Fire Act grant. Alderman Guinta was kind enough to give me a call last week and tell me that he just heard from his office in Washington that we were awarded that grant and you may remember seeing that in the paper. That is something that we just got and we are going to have to figure out some details and we will be back to the Board with more details in regards to that but that is \$392,000 so that is a significant grant.

Alderman O'Neil asked, Chief, when you applied for that Fire Act grant you didn't have to identify a specific project or program.

Chief Kane answered yes we did. We identified a project and a program and that was for wellness. Wellness equipment and safety equipment for the firefighters to improve their health and fitness.

Mayor Baines stated I will be in Washington next month for the U.S. Conference of Mayors. I do sit on the special committee for Homeland Security and I know we will be at the White House during that meeting as well so we will report to you after that.

Chief Kane stated I would like to thank Commissioner Houghton for coming up with us tonight.

### **CONSENT AGENDA**

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

### **Informational – to be Received and Filed**

- A.** Communication from Ron Ludwig, Director of PRC, submitting the most recent updated Parks, Recreation and Cemetery Department Project Progress Report.
- B.** Copies of minutes of the Manchester Conservation Commission meeting held November 3, 2003.
- C.** Copies of minutes of the Mayor's Utility Coordinating Committee meeting held November 19, 2003.
- D.** Copy of a communication from State Representative John Flanders submitting the interim report of the 2001 Task Force on Re-establishing the Lawrence, MA to Manchester, NH and Concord to Lebanon Rail Service.

- E.** Communication from the State of NH Department of Environmental Services requesting the City submit the 2004 Local Government Financial Test for Manchester Municipal Solid Waste Unlined Landfill Permit No. DES-SW-TP-97-009 annual update within 180 days of the City's fiscal year end.
- F.** Copy of a communication from the State of NH Department of Environmental Services advising it has completed its preliminary review of the standard permit application for Angel Steam, LLCC/Processing/Treatment Facility in Manchester.
- G.** Communication from the State of NH Department of Transportation advising of contemplated awards.
- H.** Communication from Comcast advising of a notification in change of address.
- J.** Copies of minutes of the Piscataquog River Local Advisory Committee meeting held November 6, 2003.
- K.** Communication from Jacqueline Malley advising the Board of circumstances surrounding her applying for assistance through the City's Welfare Department.

## **REPORTS OF COMMITTEES**

### **COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION**

- M.** Advising that it has accepted the City's monthly financial statements for the four months ended October 31, 2003 and is forwarding same to the Board for informational purposes.
- O.** Advising that it has accepted the following Finance Department reports:
  - a) department legend;
  - b) open invoice report over 90 days by funds;
  - c) open invoice report (all invoices for interdepartmental billings only);
  - d) open invoice report (all invoices due from the School Dept. only);
  - and
  - e) listing of invoices submitted to City Solicitor for legal determination and is submitting same for informational purposes.

### **COMMITTEE ON ADMINISTRATION/INFORMATION SERVICES**

- P.** Recommending that requests to enter into Septage Service Agreements with the Towns of Plaistow and Atkinson be approved, and further that the Mayor be authorized to execute same on behalf of the City, subject to the review and approval of the City Solicitor.

### **COMMITTEE ON BILLS ON SECOND READING**

- Q.** Recommending that the Proposed Policy for Rezoning Petitions, attached herein, be approved.

### **COMMITTEE ON COMMUNITY IMPROVEMENT**

- S.** Recommending that the Board authorize transfer and expenditure of funds in the amount of \$134,536 (Federal) for CIP 210503 Homeless Health Care, and for such purpose a resolution and budget authorization has been submitted.

- T.** Recommending that the Board authorize transfer and expenditure of funds in the amount of \$499,099 (Federal) for CIP 410003 GTEAP & EPOP (Domestic Violence Funding), and for such purpose a resolution and budget authorization has been submitted.
- U.** Recommending that the Board authorize transfer and expenditure of funds in the amount of \$40,000 (Other) for CIP 511603 Recreational Facility Improvements (Leveraged) Project, and for such purpose a resolution and budget authorization has been submitted.
- V.** Recommending that the Board authorize transfer and expenditure of funds in the amount of \$217,206 (EPD) for CIP 712003 FBI Recuperator Project, and for such purpose a resolution and budget authorization has been submitted.
- W.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$110,000 (Other) for CIP 811103 Senior Center Planning Project, and for such purpose a resolution and budget authorization has been submitted.
- X.** Recommending that the Board authorize transfer and expenditure of funds in the amount of \$10,364 (Federal) for CIP 210404 Homeless Health Care, and for such purpose a resolution and budget authorization has been submitted.
- Y.** Recommending that the Board authorize transfer and expenditure of funds in the amount of \$60,000 (CDBG) for CIP 510604 Neighborhood Playground Rehabilitation Project, and for such purpose a resolution and budget authorization has been submitted.
- Z.** Recommending that the Board authorize transfer and expenditure of funds in the amount of \$12,000 (Other) for CIP 711004 Annual ROW Maintenance Project, and for such purpose a resolution and budget authorization has been submitted.
- AA.** Recommending that with regard to a petition to discontinue a portion of Hobart Street, the Board find that the subject area of the petition having never been opened, built, nor used for public travel has been released from public servitude pursuant to RSA 231:51.

**HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN FOREST, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.**

- I.** Communication from Comcast advising of some pricing changes for certain services and brief updates on customer service, the competitive environment and other aspects of the business.

Alderman Shea stated I just wondered because they are raising the rates at Comcast will the City also be receiving more money from Comcast that we do receive in the general fund.

Deputy Solicitor Clark responded the fee that the City receives is based on gross revenues so if they receive more revenue the fee should go up.

Alderman Shea asked so we should expect more money.

Deputy Solicitor Clark replied yes.

On motion of Alderman Shea, duly seconded by Alderman Garrity it was voted to receive and file this item.

**L. Resolutions:**

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Thirty Four Thousand Five Hundred Thirty Six Dollars (\$134,536.00) for 2003 CIP 210503 Homeless Health Care.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Four Hundred Ninety Nine Thousand Ninety Nine Dollars (\$499,099) for 2003 CIP 410003 GTEAP & EPOP (Domestic Violence Funding).”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Thousand Dollars (\$40,000) for FY2003 CIP 511603 Recreation Facility Improvements (Leveraged) Project.”  
“Amending the FY1999, 2000, 2002, and 2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Two Hundred Seventeen Thousand Two Hundred Six Dollars (\$217,206) for FY2003 CIP 712003 FBI Recuperator Project.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Ten Thousand Dollars (\$110,000) for FY2003 CIP 811103 Senior Center Planning Project.”

“Amending the 2004 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Three Hundred Sixty Four Dollars (\$10,364.00) for 2004 CIP 210404 Homeless Health Care.”

“Amending the FY 2001, 2002, and 2004 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Sixty Thousand Dollars (\$60,000) for CIP 510604 Neighborhood Playground Rehabilitation Project.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Thirty Four Thousand Five Hundred Thirty Six Dollars (\$134,536.00) for 2003 CIP 210503 Homeless Health Care.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Four Hundred Ninety Nine Thousand Ninety Nine Dollars (\$499,099) for 2003 CIP 410003 GTEAP & EPOP (Domestic Violence Funding).”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Thousand Dollars (\$40,000) for FY2003 CIP 511603 Recreation Facility Improvements (Leveraged) Project.”

“Amending the FY2004 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Twelve Thousand Dollars (\$12,000) for CIP 711004 Annual ROW Maintenance Project.”

Alderman DeVries stated within the CIP agenda for adoption there is a CIP number 511603 for \$40,000 for Facility Improvements. This is pertaining to the \$40,000 that Shaws had to leverage through their Planning Board approval. It was a condition of approval and was paid. It was intended or it is typically dedicated through that condition of approval for the construction of the Rails to Trails behind Shaws, for the first segment of that. At this point in time, it is still uncertain as to whether we are going to be utilizing that \$40,000 to go towards the City match or if we are still going to be able to capture some in-kind contributions to be done basically doubling the value of that dollar. We have formed a committee, which pertains or is including both Parks & Recreation, myself and the head of the Queen City Trail Alliance and we would like to have a couple of more weeks to work within the Committee to make that final determination as to whether we want this particular \$40,000 to hit the CIP account, which once it does would put it through the City's procurement system or if we want to redirect it back to the Planning Department to become part of Finance's separate account. We agreed to this at Parks & Recreation yesterday that we want to table this if possible this evening and hopefully by the next Board meeting we will have a conclusion as to what we want to do with the \$40,000.

Alderman DeVries moved to table the resolution for CIP 511603 Recreation Facility Improvements Project. Alderman Lopez duly seconded the motion. Mayor Baines called for a vote on the motion to table. There being none opposed, the motion carried.

Alderman Gatsas stated in looking at the resolution regarding the Senior Center Planning Project for \$110,000 can somebody give me an explanation of what that is please.

Mr. Robert MacKenzie responded that one is basically a holding tank for contributions that are coming in. I think recently we had committed about \$70,000 in contributions.

Mayor Baines stated that is money that is being raised by the private sector.

Mr. MacKenzie responded yes.

On motion of Alderman Garrity, duly seconded by Alderman Thibault, it was voted to refer the balance of the Resolutions presented to the Committee on Finance.

Report of the Committee on Accounts, Enrollment and Revenue Administration advising that it has accepted the audit status update submitted by Kevin M. Buckley, Internal Audit Manager, and is forwarding same to the Board for informational purposes.

Alderman Lopez stated I didn't want this to go by to just receive and file because Kevin Buckley did an excellent report on the Welfare Department and previously when he inspected it with the help of the City Clerk and all of that, there were 14 observations that

they made and I am happy to report that 12 of them have been resolved, which were very critical in the operation of the Welfare Department thanks to Paul Martineau's cooperation over there and the employees. With that note, I would like to note so the public is well aware that we have had incoming revenue from \$35,000 from the Year 2000 to \$107,000 in revenue that he has been able to recoup back and the direct aid back for an example in 2001 was \$812,000 and in 2003 it is only \$586,000. He saved a total of approximately \$800,000 since he has been Welfare Commissioner and I thought that would be worthy to recognize what he has done for the Welfare Department.

On motion of Alderman Lopez, duly seconded by Alderman Thibault it was voted to accept the report.

Report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by changing the zoning district of property currently zoned IND (General Industrial) to B-2 (General Business) by extending the B-2 zoning district to the center line of Huse Road and Merrill Road, including parcels identified as TM 666, Lots 2B, 6, 6A, 7, 8, 9 & 9A.”

ought to pass; and further that the Board endorse seeking to have any developer of the rezoned parcel pay for any road or traffic improvements made necessary by the development to protect the neighborhood.

Alderman O'Neil stated I don't necessarily have a problem with the rezoning. I guess sometimes you would like to know what is going in there and this is kind of way ahead of it but are we doing everything possible to...they won't come out and say it but my understanding is that Harvey Industries is looking to build a new facility somewhere. Are we exploring all options to keep Harvey Industries someplace in the City of Manchester and keep those jobs in the City of Manchester? If not, is there anything we can do to help your office or help Planning or help Economic Development to accomplish that?

Mayor Baines responded well obviously we would very much like to see that. Bob, I know you have had some discussions. Would you like to add a little bit to that? It is a square footage issue.

Mr. MacKenzie stated our office is available to help try to find sites. I am sure the Economic Development Office is. I concur that it is a manufacturing facility that I think we would love to keep in the City if we could.

Alderman O'Neil asked is there anything we can do as a Board to help.

Mayor Baines stated we will initiate some additional discussions. You know we are trying to get this issue dealt with and then we will follow-up with discussions directly with them on that.

Alderman O'Neil responded we get creative with a lot of other things like housing and high rise buildings and that. I just believe there is some way that we can help them find a spot in Manchester to keep those jobs here.

Mayor Baines replied there is no question about that.

Alderman O'Neil moved to accept the report. Alderman Forest duly seconded the motion.

Alderman Gatsas asked, Mr. MacKenzie, how many acres are on that parcel total.

Mr. MacKenzie answered I do not remember the exact number. It is somewhere in excess of about 20 acres.

Alderman Gatsas asked how much of it is the Public Service land.

Mr. MacKenzie answered only about 15 to 20% is the Public Service land.

Alderman Gatsas stated I guess I have a problem that we are taking a piece of property and rezoning it just to allow...and there is no guarantee that the current occupant of the property is going to stay in the City with 400 jobs but I think the traffic dilemma that that is going to cause on Huse Road turning that into a commercial piece with 20 acres is going to be an absolute nightmare for the City. It is very difficult for people to travel Huse Road now because it is really a by-pass of South Willow Street from Mammoth Road coming down. The traffic on that street is unbelievable now. I think if you put another commercial strip there it is going to be even worse and somebody is going to say that the 400 employees caused the traffic. Well they come in at 8 AM and they leave at 5 PM so really those cars are only moving twice. I would say that a strip center in there with 20 acres of commercial is certainly going to have more movement than 400 cars in the course of a day.

Alderman DeVries stated first off I have really spent a lot of time on this project trying to get feedback from many of the homeowners up and down Huse Road. I will tell you that they have not had a consistent attitude on what they would like to see done with that property. The discussions and I think we had a very good discussion with Bob MacKenzie at Bills on Second Reading trying to get information out to constituents so that they could give me some additional feedback. The problem is leaving this property zoned industrial does open it up to a variety of uses and one of the ones and nobody has suggested that this is potentially going to happen but having been involved in the discussions on peak power and realizing that there were three things that peak power was looking for in the City of Manchester to make it appropriate land were gas, availability of the gas line, easy access into the power grid and industrial zoned land. That immediately raised concerns for me and I think there is some validity to them especially with the substation being the 15% that PSNH owns on this

rezoning. I am not trying to scare anybody on Huse Road. I am just saying that as I looked at this project and said what are the pros and cons, which way are we better off, there is no clear vision for me to offer the rest of my Board members because if we do leave it zoned industrial there is a possibility that it will go directly to the Planning Board for approval for peak power if they choose to purchase that land from Harvey Industries. It wouldn't be something that would come back to this Board. If we do rezone it without a doubt Alderman Gatsas is correct. There are traffic issues to be dealt with. That is why the Bills on Second Reading Committee certainly put the condition on there that they would need to make the necessary funds available for any traffic calming techniques that were justified by the Planning Board. Even said, the homeowners up and down the road don't have a strong opinion one way or the other. Those that are further north on Huse Road do not want to see it rezoned and that is because they fear the traffic impact. Those who are more directly on top of this project are very fearful for what if left industrial it will become. If not peak power, some other industrial use that they find not appropriate. We also at Bills on Second Reading found out that a conditional use allowed under an industrial zone would allow for additional restaurants and I think we have the Olive Garden currently sitting on the corner of South Willow and Huse on industrial land so that could be one of the projects that goes in there. It could also allow several commercial retail stores to be put in there smaller than what would be allowed if it is rezoned. It could become some sort of a smaller strip zone rather than targeting a larger corporate entity that if we rezone it we might be able to bring in there who would have the funds to properly mitigate the traffic and properly buffer to limit the impacts on the neighborhood. I wish I could tell the rest of the Board that I got a clear consensus from the neighborhood that they want to see it rezoned or they want it left industrial. That is not the case and I think Aldermen are just going to have to wear the merits of the property.

Alderman Garrity stated as a South end Aldermen I certainly understand what commercial rezoning and strip malls do to cut through traffic through the neighborhoods and that is my biggest fear for this project is that if we rezone it the poor people on Mooresville Road and places like that...I live it every day down on the South end and I get the phone calls every day which is good but I live it personally and strip malls cause cut through traffic through neighborhoods and that is one reason why I am not in favor of this project.

Alderman Gatsas stated the problem I have is that I certainly would not be opposed to rezoning the property if the owners came forward with a project so that we could see what that project looked like and what the impacts were going to be rather than just carte blanche rezoning a piece of property to increase the value of the property without knowing what is going there. I think it is unreasonable for anybody to say that a 20-acre piece abutting South Willow Street going from industrial...Mr. MacKenzie can you give me an idea of what the cost would be for an acre of industrial land roughly?



Mr. MacKenzie responded roughly an acre of industrial land is worth \$100,000. An acre of business land in the vicinity of South Willow Street is at least triple that.

Alderman Gatsas stated so we are rezoning something from a value of somewhere around \$2 million to something around...I don't know, what is the difference. \$6 million or more. I don't know if my numbers are right.

Mr. MacKenzie replied I do believe that there was some indication that...I believe they indicated they are paying or they are assessed for roughly \$9 million and they would expect perhaps a project of \$12 to \$14 million. There would be an increase but they would have to construct a new building.

Alderman Gatsas responded so your answer is that they would not sell that property for the evaluation of \$9 million.

Mr. MacKenzie asked is that a question.

Alderman Gatsas answered that is a question.

Mayor Baines asked what was the vote of the Committee.

Deputy Clerk Johnson answered 4-1.

Alderman Gatsas asked can I have an answer.

Mayor Baines replied I didn't think he had an answer.

Mr. MacKenzie stated I didn't realize that was a question. Could you restate that again?

Alderman Gatsas asked would your assumption be that if we rezoned this to commercial that they would sell it for the assessed value of \$9 million.

Mr. MacKenzie answered that would be harder to factor because a large development group would see the existing building probably as a liability. I think that the sale value might be less than that.

Atty. Nicholas Lazos stated I am legal counsel for Harvey Industries, the applicant. There are a couple of misunderstandings here. First of all, the parcel that Harvey owns is between 11 and 12 acres, not 20. I think the total site that is being rezoned, which includes Public Service is approximately 20. The Harvey property with the building is assessed currently at around \$8 million, not \$9 million. All of the assumptions that have been made by the applicant is that this building would have to be torn down in order to make the site usable.

The other issue...everybody keeps saying strip malls. You should be aware that strip centers are currently permitted in the industrial zone so Harvey's goal is not to encourage development of a strip center here. It is to try to get the best retail developer, high-end developer that is permitted in the B-2 zone rather than industrial. I think I have answered those questions and the property, by the way, is not on the market. It is not for sale. So these issues of what it can be sold for and that sort of thing has not even been addressed by the applicant or any market analysis.

Alderman Gatsas asked the property does exceed the 10-acre minimum change for use.

Atty. Lazos answered as far as I know the only 10-acre minimum relates to R-SM zones. That is another application. I am not aware of a 10-acre minimum for B-2 zones.

Alderman Gatsas asked for rezoning.

Atty. Lazos answered yes. That applies only to R-SM I believe.

Alderman Gatsas asked Mr. MacKenzie.

Mr. MacKenzie answered Mr. Lazos is correct.

Alderman Gatsas asked can you give us some of the permitted uses with the change.

Atty. Lazos answered the permitted uses with the change are what you see typically in the B-2 zones in Manchester. They allow retail, the type of general retail stores that you see over along South Willow Street. An example is the Barnes & Noble store and that sort of thing.

Alderman Gatsas asked Home Depot.

Atty. Lazos answered theoretically yes although I think as we pointed out at the public hearing a Home Depot project would be unlikely on this site because of its shape. As you can see from this plan the parcel has a crescent shape. It is a spread out U shape and it has a jog in the back where it abuts the Mall of New Hampshire. It would be very difficult to site a large square or rectangular type of facility that a Home Depot would want with their parking fields in front. The expectation from everyone we have talked to including the engineers is that this site would probably be developed as two smaller buildings rather than one larger building. Besides we don't even know if a 125,000 square foot building can be put on this site at all. No one has gone to that extent in terms of engineering. As you know, in Manchester the ordinance requires 25% open space in a B-2 zone.

Alderman DeVries stated there was another pursuit of questioning that you can probably address for me as well as Bob MacKenzie did at Bills on Second Reading. The reason why

you wish to rezone this ahead of coming forward with a proposal is so that you can entice the proper type of corporate partner. Can you explain why that would only happen or as you have told the Committee in the past why that would only happen with the rezoning ahead of schedule?

Atty. Lazos responded the consultants at Harvey that I have discussed this project with have basically said that there are two ways of developing a piece of property. One is if it is properly zoned you would go directly to end-users. The Old Navy's and the Barnes & Nobles and those kinds of end users. They typically will not go to a site unless it is already properly zoned and ready for their use. The other way of selling a piece of land is to sell it to a developer and those developers...there are a number of those type of developers who go around and find sites for users. They buy the property and they take the risk of developing it and changing the zoning. So the sense that we have been given and the advice that Harvey has been given is that if you want to maximize the number of possible parties interested in the site when the time comes is to have it properly zoned so that you can go directly to the desirable end users, the upscale retailers who are willing to pay not only the price for the property but also to do a nice project. I think the best example again is the Barnes & Noble building on the other side of South Willow Street where they have done a wonderful job and it is a beautiful building but that is because that property was properly zoned B-2 and they were able to go in there. If you don't have it properly zoned we have been advised that the potential universe of users would be diminished to basically developers and end users won't come. That is the reason we have asked for this at this time.

Alderman DeVries stated this question I will direct to Mr. MacKenzie because I think it is essential to the background information. If this is left zoned industrial, can you give us an opinion of what type of industrial use you feel could likely happen on that property?

Mr. MacKenzie responded yes. I know we did review this in Committee. Generally I would look at some of the other off site locations near South Willow Street and see what has gone in. You do have operations such as car dealerships. You have operations such as the Associated Grocers, which is a trucking operation. That was a site that was considered for rezoning, not the Public Service site but actually went from a low intensive use to a high intensity truck use, which I would have some concerns about or it would go manufacturing such as GTE Sylvania. I would look at the uses that are in the industrial areas currently around South Willow Street.

Alderman DeVries asked if I could just follow that up and I think if you followed the last couple of responses you can clearly understand why the homeowners living up and down Huse Road have not been able to give me clear signals. Certainly with either use they could be looking at an increase to traffic or at least maintenance. They recognize that with the higher end user coming in there would be monies made available for potential traffic calming. Without a doubt they are still uncomfortable with not knowing what the project is

and again I agree with Alderman Gatsas that if somebody was coming forward telling us that would be perfect and everybody would be weighing in with an absolute decision. That not being available I think we have to understand that if it isn't rezoned that the corporate users do get diminished and we don't get the high end with the dollars that would do the traffic calming that is necessary.

Alderman Shea stated a point that maybe nobody brought up is when you change from industrial to B-2 what impact does it have on the tax rate. Does it tend to raise the taxes on that property, does it keep the taxes the same or does it lower them?

Atty. Lazos responded if you give me one moment we have also done that analysis and provided it to Alderman DeVries and Alderman Lopez. The property currently as I mentioned earlier is assessed at approximately \$8 million. That is at this year's new tax rate. It would be taxes equal to \$211,000 paid by Harvey as of the December bill. What we have estimated based on 125,000 square feet of new retail space, that would mean that the existing buildings would be just demolished and a new retail facility constructed with parking lots and that sort of thing. That would have a value between \$15 and \$20 million once it was completed and fully leased. At that time, if it was \$15 million the taxes paid would be \$396,000 based on today's rates or up to \$528,000. So you can see that it is possible to, once this project is completed and done, that the taxes would double or go up two and a half times. It would be a very substantial benefit to the City of Manchester to have the property rezoned. In addition, I think Alderman DeVries pointed out that from the very beginning Harvey indicated that they fully expected that any developer of the site would do whatever the Planning Board felt necessary to deal with the traffic and pay for that and that is typically done on retail projects. So the expectation is that this would not cost the City of Manchester anything and would, in fact, result in a very substantial increase in taxes. I watched the meeting the other night of the CIP Committee dealing with Derryfield Park improvements and this money could do a Phase III of Derryfield Park every year going forward after it was built. I think it is something...I think we have emphasized that it is a cost benefit analysis that you do. The benefits here from the rezoning greatly exceed any cost because it would be done with some sensitivity and would have to be and the traffic issues would have to be dealt with.

Alderman Lopez moved to accept the report.

Mayor Baines stated the motion has already been made and seconded. Is your motion to move the question?

Alderman Lopez answered yes.

Alderman Lopez duly seconded the motion to move the question.

Alderman Gatsas asked Atty. Lazos I think the question that Alderman Shea was asking...

Mayor Baines interjected the discussion now is on...

Alderman Gatsas interjected your Honor you couldn't see me but I had my hand up.

Mayor Baines responded I know but the motion has been made and seconded to move the question. The discussion will be on moving the question.

Alderman Gatsas asked for a roll call. Aldermen Gatsas, Osborne, and Garrity voted nay. Aldermen Guinta, Sysyn, Pinard, O'Neil, Lopez, Shea, DeVries, Smith, Thibault and Forest voted yea. The motion carried.

Mayor Baines stated the motion to accept the report of the Committee on Bills on Second Reading is now back on the table. Alderman Gatsas requested a roll call.

Alderman Guinta asked could you repeat the motion.

Deputy Clerk Johnson stated the motion would be to accept the report of the Committee.

Aldermen Gatsas, Guinta, Osborne, and Garrity voted nay. Aldermen Sysyn, Pinard, O'Neil, Lopez, Shea, Smith, Thibault, and Forest voted yea. Alderman DeVries abstained. The motion carried.

Nominations to be presented by Mayor Baines.

Mayor Baines stated Ray Clement has submitted a letter resigning from the Planning Board so I would like to accept his letter of resignation.

Planning Board (resignation)

Mayor Baines advised Ray Clement had submitted a letter resigning his position on the Planning Board.

On motion of Alderman Thibault, duly seconded by Alderman Forest it was voted to accept the resignation of Ray Clement from the Planning Board.

Mayor Baines presented nominations.

Mayor Baines noted he would request a suspension of the rules with regards to the Zoning Board given the two vacant positions as alternates.

Zoning Board of Adjustment

Dan Goonan to fill the unexpired alternate term of Mark Haddad, term to expire March 1, 2005

Raymond Clement to fill the unexpired alternate term of Marguerite Wageling, term to expire March 1, 2004

Alderman Shea moved to suspend the rules and confirm the nominations of Dan Goonan and Raymond Clement as alternates to the Zoning Board of Adjustment as presented. Alderman Forest duly seconded the motion.

Alderman DeVries stated I was taking a look at the Planning regulations and Mr. MacKenzie maybe you can help me. Maybe I misunderstood it but I thought within the State regulations that we were only allowed to have one member that would be on both Zoning and Planning at the same time.

Mayor Baines responded Ray Clement resigned from Planning.

Alderman DeVries replied sorry I didn't hear the name. So Mr. Freeman is still the one member that is allowed to sit on both Boards?

Mayor Baines responded right.

Mayor Baines called for a motion to suspend the rules and confirm the nominations. There being none opposed, the motion carried.

Conservation Commission

Todd Connors to succeed himself, term to expire August 1, 2006.

On motion of Alderman Garrity, duly seconded by Alderman Thibault, it was voted to suspend the rules and confirm the nomination of Todd Connors to the Conservation Commission term expiring August 1, 2006.

Safety Review Committee

Thomas O'Neil to fill the unexpired term of Jack Jarvis, term to expire March 15, 2006.

Arthur Beaudry to succeed Sandy Paradis as School Board Representative to the Committee.

On motion of Alderman DeVries, duly seconded by Alderman Garrity, it was voted to suspend the rules and confirm the nomination of Thomas O'Neil to the Safety Review Committee.

Mayor Baines advised that Arthur Beaudry was a direct appointment by the Mayor and did not require confirmation by the Board.

Board of Water Commissioners

Donald Couturier to succeed himself, term to expire January 2007.

On motion of Alderman DeVries, duly seconded by Alderman Sysyn, it was voted to suspend the rules and confirm the nomination of Donald Couturier to the Board of Water Commissioners.

Manchester Housing and Redevelopment Authority  
George Copadis to succeed himself on the Manchester Housing and Redevelopment Authority, term to expire December 31, 2008.

Mayor Baines advised that this appointment did not require confirmation, but was informational.

Comprehensive Economic Development Strategy Committee  
Mike Colby, Greg Schneider, Jasmine Miranda-Smith and Pauline Ikawa.

These were Mayoral appointments that did not require Board approval.

On motion of Alderman Thibault, duly seconded by Alderman Pinard, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Baines called the meeting back to order.

### **OTHER BUSINESS**

A report of the Committee on Finance was presented recommending that Resolutions:

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Thirty Four Thousand Five Hundred Thirty Six Dollars (\$134,536.00) for 2003 CIP 210503 Homeless Health Care.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Four Hundred Ninety Nine Thousand Ninety Nine Dollars (\$499,099) for 2003 CIP 410003 GTEAP & EPOP (Domestic Violence Funding).”

“Amending the FY1999, 2000, 2002, and 2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Two Hundred Seventeen Thousand Two Hundred Six Dollars (\$217,206) for FY2003 CIP 712003 FBI Recuperator Project.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Ten Thousand Dollars (\$110,000) for FY2003 CIP 811103 Senior Center Planning Project.”

“Amending the 2004 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Three Hundred Sixty Four Dollars (\$10,364.00) for 2004 CIP 210404 Homeless Health Care.”

“Amending the FY 2001, 2002, and 2004 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Sixty Thousand Dollars (\$60,000) for CIP 510604 Neighborhood Playground Rehabilitation Project.”

“Amending the FY2004 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Twelve Thousand Dollars (\$12,000) for CIP 711004 Annual ROW Maintenance Project.”

ought to pass and be Enrolled.

On motion of Alderman Sysyn, duly seconded by Alderman Smith, it was voted to accept the report of the Committee on Finance.

A report of the Committee on Human Resources/Insurance advising that it has reconsidered a request regarding the Drop Off Facility worker and is now recommending that one Refuse Collector, Salary Grade 12 position be reclassified to a Drop Off Facility Worker, Grade 12. The Committee is recommending that the Board of Mayor and Aldermen amend the previously submitted ordinance appearing as Item 11 on the Board’s agenda by substituting the enclosed ordinance.

On motion of Alderman Lopez, duly seconded by Alderman DeVries, it was voted to accept the report.

Deputy Clerk Johnson stated we do have other reports of the Human Resources Committee, but I thought we would bring those in as new business.

Mayor Baines stated why don’t we do them now.

A report of the Committee on Human Resources/Insurance respectfully recommending that a request of the Airport Director for an additional full-time Microcomputer Systems Specialist at a Labor Grade 19 be approved.

On motion of Alderman Lopez, duly seconded by Alderman Pinard it was voted to accept the report of the Committee on Human Resources.

A report of the Committee on Human Resources/Insurance respectfully recommending that a request of the Human Resources Director for a transfer of funds in the amount of \$24,000 from Contingency to the HR Department for the purpose of extending a contract with Group Benefits Strategies be granted and approved. They are advising that Water Works and Airport have agreed to contribute a total of \$6,000 of a \$30,000 contract. The Committee is recommending that the HR Director be authorized to proceed with execution of a continuation agreement and that the Finance Officer submit a Resolution to cover such expenditures at the December 16 meeting of the Board.

Alderman Lopez moved to accept the report of the Committee on Human Resources/Insurance. Alderman O'Neil duly seconded the motion.

Alderman Guinta asked why is the contribution of the other departments only \$6,000.

Ms. Ginny Lamberton answered I spoke with Kevin Clougherty about the transfer and getting funds, etc. and he suggested that I only ask the Enterprise funds to make contributions so that is what I did.



Alderman Guinta asked can you explain to me the purpose of the contract. Are they going to be assisting your department? This is for services rendered or for future services?

Ms. Lamberton answered we had a contract with them for two years. Our last contract expired June 30 and just due to the way the budget came through the funds that I thought I had in my budget to continue the contract didn't end up being there so I have been working with Kevin Clougherty on a way to get funds to continue the contract with this group. They are expert advisers on health insurance and they have given us a lot of advice. They have helped us save a lot of money with our health insurance and I want to put our health insurance out to bid and I need to do it quickly because the clock is ticking and now I am inclined to put the dental insurance out at the same time actually.

Alderman Guinta asked so part of this expenditure would be for services rendered between June and today.

Ms. Lamberton answered well we haven't put it out...they have been very helpful to the City. Really they have been doing work and coming up to the City knowing that they may or may not get paid. They have been really wonderful about that. They have been meeting with the Mayor's insurance committee to discuss alternatives in our levels of coverage. They have reviewed information for me when Anthem has sent me stuff and I wasn't quite sure about what to do with it. The attitude of the President of the company is he likes Manchester and he wants to work with Manchester and he would like to see the contract funded. He is just a really great guy. I don't know what else to say.

Alderman Guinta asked the request that you are going to issue is it going to include or would you expect that TPA's would be responding.

Ms. Lamberton answered I would hope so because basically that is what we really have now because we self-fund and then Anthem is our contractor to administer the payments and to negotiate with the providers. They also provide us with stop loss insurance. So we would be putting that out...basically that is what we are putting out to bid.

Alderman Guinta asked would we be putting that out as one entity, as one request or is it going to be in bundles.

Ms. Lamberton answered actually we are going to put it out both ways. One is bid on everything. The other would be carving out the stop loss, carving out the administration fees and carving out the prescription.

Mayor Baines called for a vote to accept the report of the Committee on Human Resources. There being none opposed, the motion carried.

A report of the Special Committee on Airport Activities was presented recommending that the Airport be authorized to utilize the RFP process as a procurement method when it is determined by the Airport Director to be in the best interest of the City to do so.

On motion of Alderman Thibault, duly seconded by Alderman Pinard, it was voted to accept the report of the Special Committee on Airport Activities.

A report of the Special Committee on Airport Activities was presented recommending that the Board of Mayor and Aldermen direct the Airport to develop zoning change language that will meet Federal Aviation Administration requirements in order to allow homes that in the 60 dnl noise contour to be included in the Airport soundproofing program.

Alderman DeVries moved to accept the report of the Special Committee on Airport Activities. Alderman Pinard duly seconded the motion.

Alderman DeVries stated certainly the 60 dnl is anticipated anxiously by many homeowners who are impacted by the Airport noise today and not eligible for soundproofing. It is something that I think all of the South end Aldermen wholeheartedly endorse. We are looking to move this forward. Unfortunately, the appropriate language to meet the Federal requirements is not available for tonight so we are asking that the Airport Director be allowed to obtain the appropriate language, work on that with the Planning Department and then have this directed back to Bills on Second Reading if that would be appropriate so that it can go for a public hearing with the rest of the zoning changes.

Deputy Clerk Johnson stated when the language is ready it would need to be submitted directly to the Board under the policies of the Board and it would get disbursed from there.

Alderman DeVries responded I thought we could skip a step. Is that not possible?

Deputy Clerk Johnson stated it needs to be submitted to the City Clerk. You could at that point in time but it needs to come to the Board first. If he submits it to us we will get it in the process.

Alderman DeVries asked so you are saying we could skip a step so it comes to the City Clerk...

Deputy Clerk Johnson interjected I think the policy that you adopted at the last meeting of the Board skips a step.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Deputy Clerk Johnson stated in a discussion I had with Alderman DeVries earlier today one of the issues that has come up with...actually two zoning issues. One is this Airport one and the other is one that the Board has already sent out is that the Clerk is supposed to get a listing of all abutters and if you are doing that on a large scale development it is almost impossible for the Airport or anybody to identify them so the Board would need to make a motion to exempt both of those in essence and we would actually look for that motion for notification to abutters in those instances.

Mayor Baines asked tonight.

Deputy Clerk Johnson answered we will bring the other ordinance back to the Board at the next meeting if you want. That one probably when the language comes in we will be looking for that. I think that might have been part of what Alderman DeVries was trying to say.

Mayor Baines asked why would we need to do that tonight.

Alderman DeVries stated if I can clarify because I see a few confused faces over there and I am not sure if everybody caught on. What we are talking about is if we have to do a zoning change that is impacting a considerable portion of the City as changing the 60 dnl would create a huge expense because I believe...is it a certified letter that you send out or notice?

Deputy Clerk Johnson answered no.

Alderman DeVries stated so if you have to send that out to each individual abutter for something like the 60 dnl that is creating a burden that we couldn't possibly meet. We are looking to exempt the need to identify every potential abutter.

Alderman O'Neil asked can somebody explain what a 60 dnl is. I keep hearing this term come up and I have no idea what it means.

Mr. Kevin Dillon answered the 60 dnl refers to the average day/night noise level as determined by the FAA formula. Today on a national level the FAA allows airports to go out to the 65 dnl without any zoning requirements. To go out to the 60 dnl we need to change the zoning. We are getting a special exemption from the FAA to extend our authorization to go further, which will allow a lot more homes to be involved in soundproofing. I think what the Alderman is bringing up though in terms of the notification is something that I fully support. It would be almost impossible for the Airport to identify the abutters to that 60 dnl line. It would probably take months of work just to identify who they are.

Mayor Baines asked are we requesting a motion to deal with that tonight, Kevin.

Mr. Dillon answered I think it can be dealt with when we submit the language.

Alderman DeVries stated certainly we can do it at either time. I just think it is a pretty simple concept. We are not going to be sending out thousands of letters to abutters so why can't we just put the City Clerk's Office at rest and deal with it tonight?

Alderman DeVries moved to exempt the zoning amendment relating to RSM language change and to exempt the zoning amendment relating to the 60 dnl language for the Airport from the courtesy notice policies previously set by the Board of Mayor and Aldermen.

Alderman O'Neil duly seconded the motion.

Alderman Garrity asked, Kevin, 60 dnl is basically almost the entire City is it not.

Mr. Dillon answered not really. Today about 1,400 homes are eligible. This would add roughly just under 3,000 more homes.

Alderman Garrity stated I thought we had the discussion at the Airport Committee that this would encompass the West Side and areas like that.

Mr. Dillon answered I would start to bring soundproofing into areas of the City that aren't eligible today but I wouldn't characterize it as a majority of the City.

Alderman Shea asked where is the cut-off. In other words who is going to determine where the 60 dnl is going to be and how far is it going to go. This is obviously going to impact the new district I have by Normond Street and that area I assume. I don't know.

Mr. Dillon answered it is a rather complex formula that is approved by the Federal government where we actually apply imperical noise readings from different locations in the City off the ends of the runway. We look at flight patterns. We look at the time of day flight patterns are experienced in a certain location. We look at an item that is called dwell impersistence meaning that 12 hours of noise in a particular area gets a higher value than 12 hours of noise over 12 days in another area. All of that gets imputed into a formula and then that formula comes out with a contour that shows homes within that particular contour. A contour is a line that gets drawn around...an imaginary line that gets drawn around the Airport that says that homes that fall within that line experience on average 60 decibels of noise.

Alderman Shea asked so will the people who are listening tonight be notified or will they have to do...what should they do. This comes out of the blue as it were.

Mr. Dillon answered we are going to be updating our noise contours beginning in February. That is about a six-month process. The zoning change that is being proposed can proceed

concurrently with the update of those noise contours. Once we complete that process we will be able to identify then those homes that fall within the 60 dnl. As we go out and we soundproof homes, we typically notify particular neighborhoods that they are eligible and encourage them to submit an application. One of the things I should stress though are there are still 700 homes in the 65 dnl that we still have to complete. They would be the higher priority. It would probably be years before we would proceed into the 60 dnl.

Alderman Shea asked so it would be in the future.

Mr. Dillon answered that is correct.

Alderman Shea asked but the actual study of these homes would be preceding that so that would be within the next few years or within the next few months.

Mr. Dillon answered hopefully within the next six months we will be able to identify the new 60 dnl contour.

Alderman Gatsas asked Kevin can you explain to me...obviously 65 is higher than 60 because I think that at some point your contour lines are going to start including Ward 2, especially up by the new reservoir because I think that is right in the flight pattern. I am starting to get complaints about the noise. I don't know if your contours now include that because I think it may even be touching at 65?

Mr. Dillon answered they don't go up that far right now.

Alderman Gatsas asked they don't go up that far because your contours don't or because...

Mr. Dillon interjected because the 65 doesn't include that area.

Alderman Gatsas asked it doesn't include that area because they have done testing up there to say that it doesn't include it.

Mr. Dillon answered that is correct. We are operating under contours that were prepared in 1999 projecting 2003 noise levels. Those contours do not include that area that you are referencing today. There is the potential when we look to now include the 60 dnl into our noise program that it could start extending that far but we have to go through that process of applying formulas to see exactly where that contour falls because we are not only now including the 60 dnl but we are using updated information. One of the impacts that will start to change where that contour is is the type of aircraft that is operating at the Airport.

Alderman Gatsas stated and they are getting larger.

Mr. Dillon replied it is not necessarily a function of larger. It is a function of engine noise. As you use different aircraft within the fleet, that engine noise changes.

Alderman Gatsas asked and the cargo planes right now are using that approach coming over that reservoir.

Mr. Dillon replied cargo planes as well as other aircraft.

Alderman Lopez asked Tom can you tell us are we exempting or are we changing the ordinance in reference to this giving an exemption to the Airport. Is it legal what we are doing?

Solicitor Clark asked are you talking about the abutter notice.

Alderman Lopez answered yes.

Solicitor Clark stated as I understand it, the Board has adopted a policy that says when you do a rezoning you send out a notice to each abutter. It is not part of the law. The law requires notice by publication as far as I understand it.

Alderman Lopez stated I was wondering since we are going to develop zoning change language that would meet Federal Aviation Administration requirements can't we wait for that so we know what the zoning changes are and everything that is going to be in the 60 dnl.

Mr. Dillon responded sure. There is no reason from my perspective to do that tonight. I think certainly once we go forward with the actual zoning change you would need to do that. You should also understand there is a requirement that the Airport has to conduct public meetings when we publish the contours as well so the City in total will be invited to view these new contours before they are adopted by the Federal government.

Alderman Lopez stated I agree with you on the public meeting but I just want to make sure that the people out there understand exactly what we are doing and that they don't feel that they are being left out and that they are not going to be notified. If that is the case then we have to make it very clear as to what so I don't think it is necessary at this time.

Mayor Baines stated the public hearings are part of the process correct.

Mr. Dillon responded not necessarily public hearings but there will be public notice.

Mayor Baines stated that is what I meant.

Alderman O'Neil asked there is a motion to move forward on this correct.

Mayor Baines answered yes.

Alderman O'Neil stated my personal opinion is while we are talking about it this is the right time to do it. That is my personal opinion. I don't want it to get lost in the shuffle and have us hustling to do something at the end.

Mayor Baines called for a vote on the motion to exempt two ordinances, one for the Airport 60 dnl and one for rezoning the Central Business District, from requiring notification to abutters. The motion carried with Aldermen Gatsas and Lopez being duly recorded in opposition.

Ordinance:

“Amending Sections 33.024, 33.025 & 33.026 (Laborer-Drop Off Facility) of the Code of Ordinances of the City of Manchester.”

On motion of Alderman Pinard, duly seconded by Alderman Thibault, it was voted to read the Ordinance by title only, and it was so done.

Deputy Clerk Johnson stated before you enroll this Ordinance we will be looking to amend it. Based on a report of the Committee on Human Resources that was accepted earlier this evening we would look for a motion to amend this ordinance and to replace it with the ordinance that was distributed with that report.

On motion of Alderman Shea, duly seconded by Alderman Forest it was voted to amend the ordinance as stated above.

This Ordinance having had its second presentation, Alderman Forest moved on passing same to be Enrolled. Alderman Sysyn duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

On motion of Alderman Thibault, duly seconded by Alderman Pinard it was voted to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

Mayor Baines called the meeting back to order.

A report of the Committee on Accounts, Enrollment and Revenue Administration was presented respectfully advising, after due and careful consideration, that an Ordinance:

“Amending Section 33.024, 33.025 and 33.026 (Drop Off Facility Worker) of the Code of Ordinances of the City of Manchester.”

was properly enrolled.

On motion of Alderman Shea, duly seconded by Alderman Smith, it was voted to accept the report of the Committee on Accounts, Enrollment and Revenue Administration.

Official Results of the Non-Partisan Municipal General Election held  
November 4, 2003 submitted by Leo R. Bernier, City Clerk.

It was noted that these numbers included the numbers declared by the recent recounts.

On motion of Alderman Lopez, duly seconded by Alderman Shea it was voted to accept the results of the November 4, 2003 election as presented.

Communication from Leo Bernier, City Clerk, requesting the Board set the polling hours from 6:00 AM to 7:00 PM for the Presidential Primary to be held on Tuesday, January 27, 2004.

Alderman DeVries moved to set the polling hours for the Presidential Primary from 6 AM to 7 PM on Tuesday, January 27, 2004. Alderman Osborne duly seconded the motion.

Alderman Gatsas asked can somebody tell me are schools closed that day or are they open.

City Clerk Leo Bernier answered they are closed.

Mayor Baines stated let's move this and then I want to have some discussion about the polling places.

Mayor Baines called for a vote. There being none opposed, the motion carried.

Mayor Baines stated I just have a couple of comments. In Ward 2 some attention needs to be given to that polling place. There are problems with lighting at the door entrance and also the door itself, which created a problem on election day and created a lot of problems for the ward workers in that ward.

Alderman Gatsas stated it is an emergency closed door that is opened from the inside. Now my understanding is the Clerk is supposed to talk to somebody about moving that location.

City Clerk Bernier responded that is correct. The Selectmen make the decision where the polling place should be and they are working with Tricia at this time.

Mayor Baines asked they were the ones that were doing the most complaining about this.



Alderman Gatsas stated I think it is imperative if we are talking about January 27 and we are like two months away and it is important for people to know if they have moved the polling place again. Some notification has to go to the people in Ward 2 because a lot of people went to the first polling place.

City Clerk Bernier responded they did get notified. All of those who are registered to vote did get notified via a postcard.

Mayor Baines stated one of the things I don't quite understand is why they don't just move it into the gymnasium so people would enter through the front of the building.

City Clerk Bernier replied they are working on that also.

Mayor Baines stated I would like to bring up one other polling place that I noticed a lot of concern about was Ward 5 and the walk to get...Alderman Osborne would you like to talk about that.

Alderman Osborne stated I had a lot of concern about the elderly walking from the parking lot all the way down to the end of the building and then I was told well if they want to they can drive down the alley. I told them that nobody wants to vote in the alley or go down an alley to vote. Everybody complained. A lot of people what they did in Ward 5 is a lot of them went home. I had to call them back because they were going to the front of the building and there was nobody there at all, especially early in the morning you can't see anything. They turned around and they were going home again. There was a lot of confusion there and I think it should be moved back.

Mayor Baines responded I agree. All of us spend time at the polls and you see those in the older generation and we need to be sensitive to people navigating into the polling place and that Ward 5 situation I think is just unacceptable.

Alderman O'Neil stated as a resident of Ward 5 I support my Alderman with his recommendation.

Mayor Baines stated well again it would have to go to the Selectmen for discussion.

City Clerk Bernier responded we will talk to the Selectmen and bring it to their attention what was discussed this evening and also talk to the Moderator and see if some adjustments can be made.

Alderman Lopez asked Leo if some of these people don't want to change anything what is the next step.

City Clerk Bernier answered according to State law there is no next step. The Moderator runs the operation and the Selectmen select the polling place.

Alderman Lopez asked the Board of Mayor and Aldermen don't have authority here to give them a building and say that is where it is going to be.

City Clerk Bernier responded give them a building. I don't understand what you are saying.

Alderman Lopez replied well a location.

City Clerk Bernier stated from what I have heard this evening I will bring that to their attention and hopefully it will be addressed.

Mayor Baines asked and you are pretty optimistic that it will be.

City Clerk Bernier answered yes.

Alderman Gatsas asked can I get a clarification from the City Clerk about is there an ordinance in place of proximity to the polling place for people holding signs.

City Clerk Bernier answered it is a State law. Really the Moderator decides where the people holding signs are going to be standing. The basic law is you have to leave a 10' corridor and if there are any other laws I am not familiar with maybe Carol has some knowledge but you have to leave a 10' corridor and basically the Moderator will set where the people who hold signs are going to be standing.

Communication from Leo Bernier, City Clerk, advising that the Board may wish to address stipend issues for elected officials at this time.

City Clerk Bernier stated as the letter indicated if the Board is going to address any stipends for the next Board it needs to be addressed this month. I wanted to bring this to your attention. This issue was addressed in 1999 and I just wanted if the Board was interested to have them relook at this issue.

Alderman Lopez moved to receive and file. Alderman DeVries duly seconded the motion.

Alderman O'Neil stated I appreciate very much the City Clerk being on top of things because there are times when we don't bring up items at the appropriate period so I think he was just trying to say if you want to do something this is the appropriate time and I appreciate him looking out for the business of the Board of Mayor and Aldermen but I second and agree with Alderman Lopez's motion.

Alderman Gatsas asked is there any way that we can have the Human Resources Director get us a scale of what the salaries are for Mayor in the area. I certainly don't have a problem and I am not saying this...I think it certainly behooves us to take a look at a position that even if this doesn't go into effect this January and it goes into effect the next time we should have some sort of idea of what Mayors in other cities the size of Manchester are getting compensated. I think it is certainly an issue that we should address. We should look at it. For a Mayor to be sitting there at the same rate not even with any ideas of where we are...the last time it was increased was...

Mayor Baines interjected it went a number of years without being increased. In 1996 the Charter Commission dealt with it because the Board of Mayor and Aldermen wouldn't deal with it. It is an issue. As you know, the Mayor of Nashua is well into the \$90's.

Alderman Gatsas responded well I wasn't thinking that high.

Mayor Baines stated we are just going to receive and file this communication at this time but I think Alderman Gatsas...

Alderman Gatsas interjected can we get a friendly amendment to receive and file but...

Alderman Lopez interjected I will make a friendly amendment that the HR Director look at the salary of Mayors and bring that information back to the Board. Alderman Forest duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Alderman Shea asked is she going to bring it in for the next meeting.

Mayor Baines answered she could if that is the direction of the Board.

Alderman Gatsas stated just for clarification I certainly don't have a problem looking at that but I can tell you that my motion if it is something that we all looked at that I would make sure that it would be a referendum question on the ballot and let the people decide if they want to go forward with something like that.

Mayor Baines responded I have no comment.

Mayor Baines called for a vote on the motion to receive and file and have the HR Director report back to the Board at the next meeting on the salaries of Mayors in similarly sized cities. There being none opposed, the motion carried.

Communication from Kevin Clougherty, Finance Officer, regarding the allowance of a land acquisition reimbursement relating to the Riverfront Development Project.

Alderman O'Neil moved to refer this item to the Special Committee on Baseball/Riverfront Development. Alderman Garrity duly seconded the motion.

Alderman Gatsas stated I tried to bring this up and I guess this is the best time seeing it is on the agenda. We can talk about it now. I am referring to his letter.

Mayor Baines stated Mr. Clougherty is not here tonight.

Alderman Gatsas moved to table this item.

Mayor Baines responded the motion is to refer it to the Committee. That is why we have the Committee. I will call for a vote on the motion. The motion carried with Alderman Gatsas being duly recorded in opposition and giving notice for reconsideration.

Alderman Guinta stated I have a question. When is the next meeting of that Committee?

Alderman O'Neil stated I have been working with Mr. Thomas. He is still not ready. Frank has been waiting to get, if you recall Alderman Guinta at the last meeting Mr. Thomas was asked to come up with some alternatives for the Central High locker room. I was in communication with him yesterday. He was still waiting to get that information. He does not have it and we were going to stay in touch almost daily to...the intent was to schedule a meeting next week if the numbers were ready. We need to keep in mind that most of last week for most firms was a two-day work week. Wednesday was not much of a day and most private business took Friday off. If Frank has that information it will probably be the following week. He probably needs another week to get it.

Alderman Guinta asked is it possible to try to get that so we can have a meeting next week.

Alderman O'Neil stated I think we need to keep in mind the notification and the Clerk's office schedule.

Mr. Thomas stated it is going to be very difficult to get that information within a week's time. To say next week will be very difficult. To be on the safe side I would suggest a week from Monday or Tuesday.

Mayor Baines stated a motion was made and seconded and I called for the vote and it passed to refer it to Committee.

Deputy Clerk Johnson asked for clarification I just want to make sure is it only Alderman Gatsas who was opposed.

Alderman Lopez stated I am opposed also.

Mayor Baines stated Aldermen DeVries, Shea, Lopez and Osborne are opposed.

Ordinance:

“Amending Sections 33.024, 33.025 & 33.026 (Drop Off Facility Worker) of the Code of Ordinances of the City of Manchester.”

On motion of Alderman O'Neil, duly seconded by Alderman Thibault it was voted to read the Ordinance by title only, and it was so done.

The Ordinance having had its third and final reading by title only, on motion of Alderman Forest, duly seconded by Alderman Thibault it was Ordained.

Resolutions:

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Thirty Four Thousand Five Hundred Thirty Six Dollars (\$134,536.00) for 2003 CIP 210503 Homeless Health Care.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Four Hundred Ninety Nine Thousand Ninety Nine Dollars (\$499,099) for 2003 CIP 410003 GTEAP & EPOP (Domestic Violence Funding).”

“Amending the FY1999, 2000, 2002, and 2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Two Hundred Seventeen Thousand Two Hundred Six Dollars (\$217,206) for FY2003 CIP 712003 FBI Recuperator Project.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Ten Thousand Dollars (\$110,000) for FY2003 CIP 811103 Senior Center Planning Project.”

“Amending the 2004 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Three Hundred Sixty Four Dollars (\$10,364.00) for 2004 CIP 210404 Homeless Health Care.”

“Amending the FY 2001, 2002, and 2004 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Sixty Thousand Dollars (\$60,000) for CIP 510604 Neighborhood Playground Rehabilitation Project.”

“Amending the FY2004 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Twelve Thousand Dollars (\$12,000) for CIP 711004 Annual ROW Maintenance Project.”

On motion of Alderman DeVries, duly seconded by Alderman O'Neil it was voted to dispense with the reading by titles only.

On motion of Alderman Pinard, duly seconded by Alderman Sysyn it was voted that the Resolutions pass and be enrolled.

### **TABLED ITEM**

- 21.** Request for discontinuance of a portion of Millstone Avenue.  
(Tabled 08/04/2003 at road hearing pending report from City Solicitor.)

This item remained on the table.

Alderman Pinard stated this Friday night, December 5, the Christmas Tree Lighting, the 15<sup>th</sup> Annual is going to take place at Massabesic Circle. You are all invited. Mayor Baines is again going to light the tree. We have a surprise for the kids. There is free coffee and hot chocolate at Sandy's and candy canes for the kids and a big surprise. Everything starts at 6 PM sharp and you are all welcome.

Alderman Gatsas stated I am addressing a letter that was addressed to me from Kevin Clougherty. It talked about an explanation of the Singer Park disbursement and obviously not being a member of the Committee and not having anything from that Committee coming back to the full Board for discussion purposes, I think it is absolutely vital that we discuss this at the full Board.

Mayor Baines asked are you talking about the letter that was just referred to Committee. No, it has already been referred to the Committee.

Alderman Gatsas replied your Honor the ruling has been that we can bring it up under new business.

Mayor Baines stated the Aldermen took an action and it was referred to Committee.

Solicitor Clark stated the Mayor is the parliamentarian of the Committee and the Chairman of the Board. He has the right to accept or not accept your motion. He can decline to allow you to bring it up and it is up to the other members of the Board.

Mayor Baines stated the motion was made and it was referred to Committee. That is where it is going.

Alderman O'Neil asked doesn't the Clerk have something.

Deputy Clerk Johnson stated yes.

A report of the Committee on Community Improvement was presented advising that it has reviewed a proposal for addressing graffiti in the City and is recommending the following: 1) that the Public Works Director be authorized to purchase a pressure washer and supplies totaling \$17,000. to be funded through various CIP cash balances; 2) that the Finance Director, Planning Director and Highway Department work together to come up with funds to purchase a vehicle at a price not to exceed \$23,000; and 3) that the Board refer the request for a position to address graffiti (Grade 14 estimated at \$41,000 a year including benefits) to the Committee on Human Resources for further review and recommendation.

Alderman O'Neil moved to accept the report. Alderman Smith duly seconded the motion.

Alderman Shea stated I don't think we passed this at all at the meeting. We discussed about having a pressure washer and supplies and it was told to us that if we bought it now it would freeze. So, we thought that we referred this for future consideration. I don't think we at the meeting...I would not want to start spending \$41,000 for a new employee at the Highway Department because they won't be removing graffiti during the winter time as far as that is concerned. To me, I don't even think this was what, at least I voted for. I thought that we tabled this and we were going to send it for consideration and some sort of an evaluation.

Alderman O'Neil stated my understanding from the Clerk's Office is this is what the minutes of the meeting reflect. Am I correct, Carol?

Deputy Clerk Johnson responded that is correct.

Alderman O'Neil stated we are not spending anything tonight. We are asking to start the process and that the cash be available to purchase a pressure washer and supplies, that the Finance Director, Planning Director and Highway Department work together to come up with funds to purchase a vehicle and that the Board start the process. We are not committing to anything tonight but start the process. The position does not exist today. It has to go to Human Resources, etc. to exist. All this is doing is getting things in motion.

Mayor Baines stated and it would have to come back for final approval.

Alderman O'Neil stated although the Public Works Director was not at the meeting that night, the Deputy Director was and he was very clear that they have laid out a plan. They think that is the proper way to go. I agree with it. If we are not going to eventually follow-through on all of it then we shouldn't be doing it at all. All we are doing tonight is starting the process. We are not finalizing anything this evening.

Alderman Shea responded with all due respect it says here "recommending the following."

Mayor Baines stated well let's go through each one. The first one is that the Public Works Director be authorized to purchase. That is a very direct thing and that is an authorization.

Deputy Clerk Johnson responded that is the motion that was made.

Alderman Lopez stated I made that particular motion number one but I withdrew it on Alderman Shea wanted to table it so I withdrew that motion and everything was supposed to go to Committee and then report back to CIP.

Deputy Clerk Johnson responded that is not what the minutes reflect and they are accurate to the tape but you are welcome to come in and listen to the tape.

Alderman Lopez stated I am not going to be looking at the tape. I am telling you exactly what happened.

Mayor Baines asked can't we just refer this back to the Committee for review then if there is that kind of confusion about it.

Alderman Smith stated I sat on the same Committee and if you remember the testimony I said that if you have a cart you have to have a horse to pull it and I made the recommendations and the recommendations were that we were going to use the \$17,000 for these three things and there was a question on the Laborer and we said we would refer that to Human Resources and they would get back to us. That is how the motion read and I think if Carol gets the minutes of that meeting it will bear that out.

Mayor Baines asked is there any problem with just tabling this this evening so we can get clarification.

Alderman O'Neil stated I am not particularly sure that Frank is going to go forward and purchase the pressure washer without knowing if he is going to get the vehicle and the person to do it. He is shaking his head that he agrees with that. That is how it was presented that night by Kevin. We needed to ask the three departments to look for the money to purchase the vehicle so we are not approving anything tonight. All they are trying to do is identify the funds and on item 3 all we are asking is that the Human Resources Committee, along with the Human Resources Department, start taking a look at the position.

Alderman Shea responded I know that Alderman Lopez brought up the fact that in Lowell, MA there was overtime paid to certain employees and I think Kevin Sheppard said well we could always implement that as well. Without necessarily hiring a new person we could have people work overtime to do certain types of removal of graffiti. I think we are all in agreement that graffiti should be removed. It is the manner in which we are going to implement the payment of this and I think you can speak for yourself, Mr. Thomas.



Mayor Baines stated I don't want to get in the middle of this whole thing other than to say I think there is so much confusion about it why don't you table it so you can deal with it or refer it back to the Committee.

Alderman Lopez responded I think it is very important because I was the one that made the motion. That was my original motion, the first one but on objection Alderman Shea wanted to table so that Bob MacKenzie, he was at that meeting and I can drag him into this whole conversation but I think it is going to be ridiculous so I would like to table this whole thing and let the Committee come back and tell us exactly because Bob MacKenzie, Frank Thomas...and I do not share hiring another employee because no other avenue has been taken. They are trying to package this thing straight through and I think that is incorrect.

Alderman Lopez moved to table. Alderman Shea duly seconded the motion. Mayor Baines requested a roll call. Aldermen O'Neil, Garrity, Smith, Thibault, Forest, Sysyn, and Pinard voted nay. Aldermen Lopez, Shea, DeVries, Gatsas, Guinta, and Osborne voted yea. The motion failed.

Alderman O'Neil moved to accept the report. We are not committing any money. The Public Works Director is not going to spend the \$17,000 until he knows that the program that he has recommended has been approved. All we are doing, because we have rules and a process that has to happen is just getting this moving forward so that when we come into the early spring we are ready to act on something and won't have to wait until the middle of the summer or next fall to start the program.

Mayor Baines stated the Clerk will note that as part of the motion.

Alderman O'Neil responded I have no problem making that as part of my motion.

Deputy Clerk Johnson stated I have no problem either with that happening but I suppose I should point out that in order for the first two items to occur we would need Resolutions to cover that and there would have to be project start-ups, which have not been submitted to the Board yet either. At some point that would have to come back to the Board.

Alderman O'Neil stated the checks and balances is working, your Honor.

Alderman Garrity stated when it comes to the \$17,000 there was money in that CIP fund and it has been depleted slowly and that is what it was for was graffiti removal. Well it is getting depleted for other things and I would like to speak to the fact that as Alderman Lopez said Lowell and Lawrence uses overtime to take care of their graffiti problem. Well I would like to ask the Public Works Director to come on up and state that with their research Lowell does have a full-time employee. I would also like to have Mr. Thomas discuss why he thinks

it is the best way to go with a full-time employee and then I would like to have the Chief of Police come up and talk about the enforcement and the removal of graffiti and why it is so important to get the graffiti off as soon as possible. I believe the only way we can do that is with a full-time employee.

Mr. Thomas responded first of all, my department did not ask for this task. We were tasked to put together a proposal. After doing extensive research we determined that the best way to approach graffiti in the City of Manchester because it is a 15 year effort that has been talked about to death but there has been no serious commitment to address it across the board. The City of Lowell...my staff went down and took a look at the equipment they have and we tailored our request along the lines of what they have utilized successfully down in Lowell. They have a trailer with a water tank and a heated pressure washer, along with a van to pull it around and stockpile the solvents that are needed and the paints and the other tools that are needed for the operation. In addition, they do have a full-time employee. At one time, when the program originally started it was administered by a group like Intown Manchester and they focused on private buildings. The City of Lowell took that over. They address graffiti both on public and private property through releases of damages. The employee is a full-time employee as I mentioned. He does have some other duties assigned to him to keep him busy in the winter season, etc. I had the job specifications faxed up from Lowell's HR department this afternoon. I gave the copy to Alderman O'Neil that I am sure he will be glad to share with everybody. Approximately 80% of this gentleman's time down in Lowell is spent on graffiti removal. He does work graffiti removal on the weekends on occasion especially if some of his other duties have tied him up during the week or if there is a special event in a park or something and there is some graffiti that has popped up. Again, I am not looking for this duty. I have gotten enough assignments, as you know, passed off on to my department over the years but again I will be glad to take it on but I am not going to take it on half heartedly.

Alderman O'Neil stated as all of us have had a long experience with Frank and his department, we know that when they make a presentation to us it is generally well thought out and it is the right way to go. They don't jump into anything without thinking through all of the options, including the vehicle in this. They don't have a surplus vehicle to do this work. All of the vehicles they have are tied up performing other duties. My guess is as is required of every employee at the Highway Department they will be required to plow snow when appropriate. There is nothing wrong with that. I think the Director and the Deputy Director are required to have commercial licenses now and one of these days we may see Frank on a dump truck but I agree with Alderman Garrity that I believe this is the right way to go. It is a well thought out program. We have been talking about it for at least the six years that I have been back on the Board and nothing has come forward. I know they continue to talk about specifically downtown and Intown. Intown cannot be used for a high school in the South end or a school on the West side or a fire station on the East side. I think we need to get out house in order and look at public property first and if we are successful in

getting the program up and running and there is a way to look at...as Lowell has done to bring in some revenues then I think that is good. I think we need to get our own house in order, public property. My personal observation is it is all over the City and I think this is one of those quality of life things. We can make a difference in this City for a minimal amount of money.

Mayor Baines stated Chief Jaskolka was brought up by Alderman Garrity for some questions.

Alderman Garrity asked, Chief, are there any statistics or anything of that nature that prove that the faster you remove graffiti the more effective the enforcement is.

Police Chief John Jaskolka answered I don't think I have to tell anybody on this Board that graffiti is a nationwide problem and it is a problem here in Manchester. As with any other problem, aggressive enforcement is the best way to get rid of it. Obviously these taggers or graffiti artists work under the cover of darkness. They want their work admired. If the work isn't there the next day to be admired they are either going to have to do it again or they are just going to stop because they are going to get sick and tired of it being taken down every time they put it up. So the best way to get rid of it is an aggressive tactic to get out there and get rid of it as soon as it is up. First of all on public property and then the Board may want to look into an ordinance to have private property owners deal with their graffiti.

Mayor Baines stated as a high school principal and a former expert on graffiti and graffiti removal I will assure you that the best remedy in dealing with it is very quick removal immediately. There is a great story of Gene Ross when he was down at the School of Technology and he was having problems with graffiti he was an early riser and he would go into the restrooms and it kept coming back and he finally wrote a note that said I have more paint than you have.

Alderman Shea stated I know, Frank, that you served on the Committee and you were involved when graffiti was being removed at a very minimal cost years back when we all worked together, including the Police Department, who used to make reports to the Committee so that we would know where the graffiti was. We also both know that when public buildings right now have graffiti on them the departments are responsible for taking that graffiti off. So basically there is a problem in the City with graffiti but there is no way that the problem is going to be addressed without people within City government taking an active interest. The Police Department, the guys that used to be on the beat used to report back and say there is graffiti over here and there is graffiti over there. Regis Lemaire, the Youth Officer, used to go out with a group of boys that he would be counseling and they would remove the graffiti. He was the person that was substituted for a pressure washer and he supplies and so forth. We also know that unless we get permission from private ownership to remove graffiti, that graffiti doesn't get removed and you have to have a liaison

in order for that person to have the right approach to go to that owner and in a nice and courteous manner to approach that owner and to actually work with that owner of that property. So it is a multi-faceted problem here. It is not a case of just buying and purchasing material and sending of personnel. We both know that Frank.

Mr. Thomas responded I agree with you 100% Alderman. The problem is that departments are very diversified in their interests. We have a lot of pressures put on us. We don't have a Regis Lemaire who can spend a lot of his time coordinating that. That is why I think it is essential to have a full-time employee that can be the clearing house for all of the complaints of graffiti to come to one place, to prioritize them and go out and address them. In addition, that one person could be the person that goes out once the Board directs them to go out and work on private property and work with the City Solicitor to obtain the proper releases for liability purposes and then deal on a one-to-one basis with the property owners. Good example. You have a skateboard park. One whole road on a private structure abutting the skateboard park is covered from floor to ceiling with graffiti. That would be a good case to go and talk to that property owner and either have him do it or offer to do it with the facilities that are made available to the City. It is nice to go into the skateboard park and remove the graffiti off the skateboard park, which is City property but then you are looking at a whole wall of graffiti. That is why I am saying the proposal that we put together combines everything into one area, one responsibility to address graffiti in a proper, logical manner going forward.

Alderman Shea stated just by way of speculation, and again I am not objecting to certain aspects but I am objecting to the timing here. I don't think it is an appropriate times in terms of...because first of all we won't be able to implement this until we get the necessary funding from some sources other than what we know exist. I know Alderman Forest is looking for money for certain problems and we can't come up with that \$15,000. What I am trying to get across is that we can do this but we can't do this in my judgement within the confines of the physical restraints that we have in this budgetary year. That is what I am trying to get across. I know that Alderman O'Neil certainly is probably cognizant of this as well but the impression that I got is the sooner we get this the better and it is certainly not in my play book to do it over the course of the next couple of months. I think that if it were to be implemented it would have to be implemented obviously in the future. I know he is going to say something.

Alderman O'Neil stated I agree with everything he said. All we are doing tonight is starting the...by the time we get the position approved and we find funds and get approval to purchase a vehicle that is going to be several months down the road. I think all we are doing tonight is just starting the process. I agree with you. It is not going to happen over the next few months.

Alderman Smith moved to adjourn.

Mayor Baines called for a vote on the motion to accept the report of the Committee on Community Improvement. There being none opposed, the motion carried.

Alderman Gatsas stated my belief is that we should have received second payment from TRC on November 14. Can I ask the City Finance Officer if we have received that yet?

Mayor Baines responded that issue as I recall was referred to the Special Energy Committee.

Solicitor Clark stated that was discussed here at the Board. The Board as you recall was advised that a letter had been sent to TRC asking if they were going to make their payment under the contract. They did not make their payment. I wrote to this Board advising them that the payment had not been made and recommended that this be referred to the Special Energy Committee for discussions on how they wanted to proceed. It was referred. That Committee, I don't believe, has met. In the meantime within the last week or two I have had contact with...

Alderman Gatsas interjected who is on that Committee your Honor.

Mayor Baines stated it was chaired by Alderman Wihby who recently stepped down as Chairman of that Committee.

Solicitor Clark stated I have had contact with the representative from TRC and to tell you the truth I can't remember his name.

Mayor Baines stated it was referred by the Board to the Committee for review and consideration.

Alderman Gatsas asked who sits on that Committee other than Alderman Wihby.

Mayor Baines asked can the Clerk advise us on who sits on that Special Energy Committee. Can you do that right now?

Deputy Clerk Johnson answered not off the top of my head.

Alderman Gatsas stated but that Committee, your Honor, I sat on when we had negotiations about the dam.

Mayor Baines responded that Committee is established the Board at its organizational meeting.

Alderman Gatsas replied well I thought these Committees rolled forward, your Honor.

Mayor Baines responded well you have a Committee...

Alderman Gatsas interjected I was on that Committee and I was never informed about a meeting.

Deputy Clerk Johnson stated there hasn't been a meeting.

Alderman Gatsas asked has there been a meeting or not.

Alderman Lopez stated there has never been a meeting.

Alderman Gatsas stated he just said there was a meeting.

Mayor Baines responded no. What he said was the issue was referred to that special committee. When the Committee meets, that would be on the agenda.

Solicitor Clark stated what I said was there was a meeting of the full Board at which it was discussed and the Board referred it to the Committee.

Mayor Baines stated I would urge the Committee to meet. I think the Chairman needs to name a Chair of that Committee so the Committee can meet.

There being no further business, on motion of Alderman Smith, duly seconded by Alderman Lopez, it was voted to adjourn.

A True Record. Attest.

City Clerk